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Facsimile Transmittal

To: Central Fax Number, USPTO
cc. JOYCE, Catherine, U. S. Patent and Trademark Office, 1647

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From: Barrie Greene

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No. of Pages: 3 (including cover)

Date: June 8, 2006

Message:

Re: U.S. Application No. 10/750,262
Title: SERPENTINE TRANSMEMBRANE ANTIGENS EXPRESSED
IN HUMAN CANCERS AND USES THEREOF
Filed: December 30, 2003
Inventors: Daniel E. Afar et al.
Attorney Docket No. 39766-0160 R1D2

Attached please find the requested Statement regarding the deposit under the Budapest Treaty.

Please let me know if you need any further information or assistance in this matter.

Yours truly,



Barrie Greene

SV 2212921 v1
6/7/06 7:00 PM (39766.0160)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Nickol, Gary B.
)	
Daniel E. AFAR, et al.)	Art Unit: 1642
)	
Application Serial No. 10/750,262)	Confirmation No: 1744
)	
Filed: December 31, 2003)	Attorney's Docket No. 39766-0160R1D2
)	
For: SERPENTINE)	Customer No. 25213
TRANSMEMBRANE ANTIGENS)	
EXPRESSED IN HUMAN)	
CANCERS AND USES THEREOF)	

STATEMENT**MAIL STOP AF**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I hereby state that the deposit of plasmid 8P1D4 clone 10.1 on August 26, 1998, as ATCC Accession Number 98849, was made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations there under (Budapest Treaty). This assures maintenance of a viable culture of the deposit for 30 years from the date of deposit and for at least five (5) years after the most recent request for the furnishing of a sample of the deposit received by the depository. The deposits will be made available by ATCC under the terms of the Budapest Treaty, and subject to an agreement between Genentech, Inc. and ATCC, which assures that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the pertinent U.S. patent, assures permanent and unrestricted availability of the progeny of the culture of the deposit to the public upon issuance of the pertinent U.S. patent or upon laying open to the public of any U.S. or foreign patent application, whichever comes first, and assures availability of the progeny to one determined by the U.S. Commissioner of Patents and Trademarks to be entitled thereto according to 35 U.S.C. §122 and

the Commissioner's rules pursuant thereto (including 37 C.F.R. §1.14 with particular reference to 886 OG 638).

The assignee of the present application has agreed that if a culture of the materials on deposit should die or be lost or destroyed when cultivated under suitable conditions, the materials will be promptly replaced on notification with another of the same. Availability of the deposited material is not to be construed as a license to practice the invention in contravention of the rights granted under the authority of any government in accordance with its patent laws.

Respectfully submitted,

Date: June 8, 2006

By: Barrie D. Greene
Barrie D. Greene (Reg. No. 46,740)

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